

# SENATE JOURNAL

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## IDAHO LEGISLATURE

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**SIXTY-SIXTH LEGISLATIVE DAY  
WEDNESDAY, MARCH 12, 2003**

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Kennedy, absent and formally excused by the Chair; and Senators Burkett, Malepeai, and Stennett, absent and excused.

The President announced that the Oath of Office had been administered previously to Acting Senator Lori Rouse, and she was recorded present at this order of business.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Brittany Jensen, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 11, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 12, 2003

The JUDICIARY AND RULES Committee reports that **S 1154, S 1155, S 1156, S 1157, S 1158, S 1159, S 1160, S 1161, and S 1162** have been correctly printed.

DARRINGTON, Chairman

**S 1154, S 1155, S 1156, S 1157, S 1158, S 1159, and S 1161** were referred to the Finance Committee.

**S 1160** was referred to the Judiciary and Rules Committee.

**S 1162** was referred to the Local Government and Taxation Committee.

March 11, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1031** and **S 1112** were delivered to the Office of the Governor at 3:20 p.m., March 11, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 11, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1143** was delivered to the Office of the Governor at 4:32 p.m., March 11, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 11, 2003

The EDUCATION Committee reports out **H 263** with the recommendation that it do pass.

SCHROEDER, Chairman

**H 263** was filed for second reading.

March 11, 2003

The AGRICULTURAL AFFAIRS Committee reports out **H 102** and **H 298** with the recommendation that they do pass.

WILLIAMS, Chairman

**H 102** and **H 298** were filed for second reading.

March 12, 2003

The FINANCE Committee reports out **S 1154, S 1155, S 1156, S 1157, S 1158, S 1159, and S 1161** with the recommendation that they do pass.

CAMERON, Chairman

**S 1154, S 1155, S 1156, S 1157, S 1158, S 1159, and S 1161** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

Senator Stennett was recorded present at this order of business.

March 11, 2003

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1011, S 1026, S 1052, S 1106**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

Senators Burkett and Malepeai was recorded present at this order of business.

March 11, 2003

Mr. President:

I transmit herewith **H 312, H 313, H 314, H 301, H 330, H 136, H 218, H 281, H 306, H 305, H 232**, as amended, **H 269**, as amended, **HCR 13**, as amended, and **HCR 21**, as amended, as amended, and I return herewith **S 1041, S 1056, S 1004, S 1005, S 1006, S 1007, S 1008**, and **S 1019**, which have passed the House.

JUKER, Chief Clerk

**H 312, H 313, H 314, H 301, H 330, H 136, H 218, H 281, H 306, H 305, H 232**, as amended, **H 269**, as amended, **HCR 13**, as amended, and **HCR 21**, as amended, as amended, were filed for first reading.

**S 1041, S 1056, S 1004, S 1005, S 1006, S 1007, S 1008**, and **S 1019** were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

**H 312**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 313**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 314**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 301**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**H 330**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 136**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 218**, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 281**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 306**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 305**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 232**, as amended, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 269**, as amended, by Education Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**HCR 13**, as amended, and **HCR 21**, as amended, as amended, by Health and Welfare Committee, were introduced, read at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**H 214** and **H 220**, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

**H 266**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 71**, as amended, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**S 1153**, by Finance Committee, was read the second time at length and filed for third reading.

**H 276**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 59**, as amended in the Senate, by Mr. Speaker, was read the second time at length and filed for third reading.

**H 195**, as amended in the Senate, as amended in the Senate, by Local Government Committee, was read the second time at length and filed for third reading.

**H 194**, as amended in the Senate, and **H 255**, as amended in the Senate, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**S 1062**, as amended, by Education Committee, was read the second time at length and filed for third reading.

**H 328**, by Appropriations Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **H 246** was placed at the head of the Third Reading Calendar, followed by **H 329**, to be held for Thursday afternoon, March 13, 2003.

**H 246** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Sorensen and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Burkett, Calabretta, Compton, Gannon, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk. Total - 22.

NAYS--Bunderson, Burtenshaw, Cameron, Darrington, Davis, Geddes, Hill, Marley, Noble, Noh, Pearce, Richardson, Williams. Total - 13.

Paired and voting included in roll call:

AYE - Kennedy                      NAY - Davis

Total - 35.

Whereupon the President declared **H 246** passed, title was approved, and the bill ordered returned to the House.

**H 19** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Kennedy. Total - 1.

Total - 35.

Whereupon the President declared **H 19** passed, title was approved, and the bill ordered returned to the House.

**H 105** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Kennedy. Total - 1.

Total - 35.

Whereupon the President declared **H 105** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Richardson, granted by unanimous consent, **S 1136** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 10:45 a.m. until the hour of 9:30 a.m., Thursday, March 13, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary